

6531. Adulteration and misbranding of wheat bran. U. S. * * * v. 600 Sacks * * * Pure Wheat Bran (so called). Product ordered released on bond. (F. & D. No. 8869. I. S. No. 8154-p. S. No. C-845.)

On March 23, 1918, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 sacks, each containing approximately 100 pounds of pure wheat bran (so called), consigned on or about February 16, 1918, by the Walnut Creek Milling Co., Great Bend, Kans., remaining unsold in the original unbroken packages at Marshall, Tex., alleging that the article had been shipped and transported from the State of Kansas into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pure Wheat Bran, Made by the Walnut Creek Milling Co., Great Bend, Kans."

Adulteration of the article was alleged in the libel for the reason that added screenings had been substituted in part for the article, it being labeled "Pure Wheat Bran."

Misbranding of the article was alleged for the reason that the statement, to wit, "Pure Wheat [Bran]," was false and misleading, and deceived and misled the purchaser in that added screenings had been substituted in part for pure wheat. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Pure Wheat Bran."

On April 8, 1918, J. E. Josey and R. C. Miller, trading as the Josey-Miller Co., claimants, having executed a bond in the sum of \$2,000, in conformity with section 10 of the act, it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*